

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
JOSE PATINO,

Plaintiff,

-against-

BRADY PARKING, INC., 800 BRADY
PARKING, INC., individually and
as successor in interest to
BRADY PARKING, INC., JOSE DOMINGUEZ,
an individual, and JACOBO
DOMINGUEZ, an individual,

Defendants.

ANALISA TORRES, District Judge:

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11 Civ. 3080 (AT)(DCF)

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**

On July 18, 2014, Plaintiff, Jose Patino, moved pursuant to Federal Rule of Civil Procedure 37 for an order sanctioning Defendants for their failure to produce material evidence as to their annual gross volume of sales or business. On July 21, 2015, the Court referred the issue to Magistrate Judge Debra C. Freeman for a Report and Recommendation ("R&R"). Defendants have failed to respond to any of Judge Freeman's orders.

After careful consideration, Judge Freeman issued an R&R recommending that Plaintiff's motion be granted. Despite notification of the right to object to the R&R, no objections were filed, and the time to do so has passed. *See* Fed. R. Civ. P. 72(b)(2). When no objection is made, the Court reviews the R&R for clear error. *Vorcom Internet Servs., Inc. v. L&H Eng'g & Design LLC*, 12 Civ. 2049, 2014 WL 116130, at *1 (S.D.N.Y. Jan. 13, 2014). The Court finds no clear error and ADOPTS Judge Freeman's R&R in its entirety. Accordingly, the Court GRANTS Plaintiff's motion for sanctions and makes a finding of fact that Defendants' annual gross volume of sales or business is at least \$500,000. In addition, Defendants shall reimburse Plaintiff for reasonable attorneys' fees and costs incurred in bringing the motion for sanctions at ECF Nos. 84 and 85 but not for any additional fees and costs incurred in the supplemental submissions, in accordance with Judge Freeman's order. Plaintiff shall submit an application for attorneys' fees and costs and supporting materials by **February 27, 2015**. This matter remains referred to Judge Freeman for general pretrial purposes.

The Clerk of Court is directed to terminate the motion at ECF No. 84.

SO ORDERED.

Dated: February 6, 2015
New York, New York



ANALISA TORRES
United States District Judge